

**Judiciary Committee
JOINT FAVORABLE REPORT**

Bill No.: SB-992

Title: AN ACT CONCERNING THE TRUST ACT.

Vote Date: 3/20/2019

Vote Action: Joint Favorable

PH Date: 3/8/2019

File No.:

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SPONSORS OF BILL:

Judiciary Committee
Senator Gary A. Winfield

REASONS FOR BILL:

To strengthen the intent of the Trust Act passed by the Connecticut legislature in 2013, which prohibits state and local law enforcement officials from detaining a person unless public safety risk factors exist, while also requiring them to notify U.S. Immigration and Customs Enforcement once a decision has been made to detain or release said person(s). SB 992 would require immigration detainers to be supported by a judicial warrant before a person is held pursuant to a civil immigration detainer.

RESPONSE FROM ADMINISTRATION/AGENCY:

State of Connecticut Attorney General, William Tong

During his time as a state legislator, AG Tong worked to pass the Trust Act of 2013. He believes that SB 992 would protect the State of Connecticut against federal commandeering, help to build trust between law enforcement and immigrant communities and protect the right of every Connecticut resident to access their justice system without fear. He cites that in states like Maryland and Washington, Attorneys General have opined that an ICE detainer, by itself, is likely not a constitutionally sufficient justification for detaining a presumptively-innocent person.

NATURE AND SOURCES OF SUPPORT:

Connecticut Shoreline Indivisible, Jane Nadel, Policy Director

Ms. Nadel says that CSI supports SB 992 because it contains reforms that are essential to ensure that Connecticut is not complicit in any of the extrajudicial activities of ICE. She

suggests that there is a need for a clear and unambiguous revised Trust Act that doesn't allow for abuse of discretion.

Connecticut Women's Education And Legal Fund

The majority of the organization's clients are low-income women with at least one dependent. Over the past few years, the organization has seen an increase in women who seek their services to gain a better understanding of what their rights are in regards to immigration. One of their clients feared deportation in Connecticut and considered leaving the country, taking her children, the youngest of who is three years of age. Being that undocumented women and children comprise approximately three-quarters of people who migrate to the U.S. each year and make up a large portion of the labor force, CWEALF believes that it is time for Connecticut to take a clear stance against unjust laws at the federal level that tear people away from their families and communities.

American Civil Liberties Union (ACLU) Connecticut, David McGuire, Executive Director

Mr. McGuire argues that SB 992 forces local law enforcement to focus on local priorities instead of the federal government's deportation agenda. He suggests that when the local and state police use their time and resources to help the federal government with arresting, detaining and deporting individuals living in Connecticut, they are unnecessarily undermining trust in the state's justice system. Mr. McGuire also argues that indiscriminate arrests and serving detainers at courthouses sow fear into the immigrant community and make it more difficult for local enforcement to earn trust.

Planned Parenthood of Southern New England, Gretchen Raffa, Director of Public Policy, Advocacy and Strategic Engagement

Ms. Raffa says that the organization has seen firsthand how harsh immigration enforcement restricts families' access to healthcare. The organization believes that no one should fear deportation when they seek help or have to think twice about seeking health care, including reproductive health care. She argues that lack of health care, including preventative care, contributes to poorer health outcomes for immigrants. She says that because many immigrant women can't access private or public (Medicaid, Children's Health Insurance Program) health care, they are less likely than other U.S. women to access preventative health care, such as Pap tests, STD screenings and birth control.

Connecticut Bail Fund, Ana María Rivera Forasteri, Co-Director

Ms. Rivera-Forasteri suggests that the state is opening itself to liability by continuing to enforce civil immigration detainers that are not accompanied by a judicial warrant. In addition, she states that the 2013 Trust Act has little impact if the state continues communicating to ICE, allowing them to easily locate individuals. Her clients have stated that ICE has used deceptive practices to illicit information to arrest individuals and place them in removal proceedings (ICE agents failed to identify themselves in their formal capacity). The CBF says that it is the committee's moral obligation to consider the impact of what is going on with the people of Connecticut.

Make The Road CT, Mary Elizabeth Smith, Development and Programs Organizer

Ms. Smith has been working alongside the immigrant community in her role as an activist and now as an employee of Make The Road CT. She takes the position that allowing ICE to work with the state's local and state law enforcement officials is just another way to continue criminalizing and disproportionately punishing people of color. Furthermore, she believes that

by allowing local and state officials to carry out the duties of ICE, erodes the trust of the community in the state's justice system.

Make The Road CT, Sonia Hernandez, Member

Ms. Hernandez has been living as an immigrant in the U.S. for the past 16 years and lives every day in fear that she will be separated from her children and sent back to her home country. Her children were born here in the states and are unaware of any other way of life. She says that the Trust Act of 2013 is not strong enough and is being violated every day. She supports the bill because it ensures that immigrants are not being targeted and separated from their families.

Linda Harris, Manchester, CT

Supports the bill because she believes that it will provide a uniform process for police and other identified organizations on how to respond to requests from ICE.

Laura Hernandez, Maryland

In 2017, Mrs. Hernandez was arrested after riding in a stolen car. When her mother tried to post her bail she was told that she couldn't because Mrs. Hernandez had an immigration detainer. After spending two months at York Correctional Institute, Mrs. Hernandez was visited by someone who posed as a lawyer but turned out to be an ICE official. Without being able to post bail, Mrs. Hernandez was subsequently transferred to an immigration prison in Boston, MA. Although she eventually made bail, she still fears deportation. Mrs. Hernandez support SB 992 because she doesn't believe it is fair that the state continues to allow families to be separated.

Eric Maroney, Faculty at Gateway Community College

As an educator in New Haven for the past 10 years, Mr. Maroney has observed the way in which students holding immigrant status are constantly plagued by the dread that their parents, siblings or even themselves may be deported when encountering police. He says that this fear impedes upon students and growth. He says that the CSCU system has made institutional aid available to those who cannot apply for financial aid but many students in the immigrant community haven't taken advantage of the assistance because they are afraid that by doing so the state would share their current immigration status with ICE. Mr. Maroney supports SB 992 because it would help to create a safer and healthier state.

Connecticut Immigrant Rights Alliance, Alok Bhatt, Community Defense Coordinator

Supports SB 992 because it amends and strengthens the original Trust Act passed by the state legislature in 2013. Stated that SB 992 expands protective provisions and allows the state to to exercise greater transparency and accountability with current systems.

Office of Chief Public Defender, Attorney Christine Perra Rapillo, Chief Public Defender

Attorney Perra-Rapillo states that the provisions outlined in SB 992 will help restore the immigrant community's trust in the judicial system and enhance public safety, while at the same time protecting the state from fourth amendment liability violations due to illegal detention of individuals through civil detainers not supported by judicial warrants.

The Connecticut Chapter of the American Immigration Lawyers Association (CT AILA)

Supports the bill because they believe that the state should adhere and strengthen its laws concerning the use of state resources for the enforcement of federal and civil immigration laws.

The Jerome N. Frank Legal Services Organization, Yale Law School, Iva Velickovic, Law Student Intern

Ms. Velickovic cites that SB 992 would eliminate the broad exceptions of the 2013 Trust Act and bring the state's law enforcement practices in line with those of other states (760 state and local jurisdictions currently refuse to hold individuals based solely on ICE civil immigration detainers). In addition, Ms. Velickovic argues that the bill also limits local law enforcement from sharing confidential information in certain circumstances and defines "confidential information" more broadly than the policy challenged in the 1999 Second Circuit litigation (*City of New York v. United States*, 179 F.3d 29, 36-37, 2d Cir 1999). Furthermore, she highlights that SB 992 includes critical data collection and reporting provisions, as well as standardizing law enforcement practices across state agencies.

Nancy Kline, Woodbridge, CT

Ms. Kline supports the bill because she has seen first-hand how an interaction with ICE can negatively impact families. She highlights an incident where a man in New Haven was sentenced to five years in person for Driving While Intoxicated (DWI), served his sentence and was being released. Upon leaving the courtroom on the day of his release, he was reprimanded by ICE and his family has not seen or heard from him since. She supports the bill because she believes that immigrants should not be afraid to call police or be afraid of living their lives.

Robert Andrews, Moodus, CT

Mr. Andrews has family that lives on both sides of the southern border. He supports the bill because he believes that refugees should be protected and treated as potential citizens.

Emily Napear, Niantic, CT

As a future educator, Ms. Napear supports SB 992 because she believes that it will alleviate concerns and anxieties that undocumented parents and communities members have with respect to being involved in their local school programs. She suggests that SB 992 can help disentangle our state's policies and procedures from those of ICE.

Mary Bugbee, Manchester, CT

Ms. Bugbee stated that state and local entities should not enable the federal Immigration and Customs Enforcement to carry out racist, xenophobic and violent policies that breed fear and terror within Connecticut communities, ultimately ripping families apart. She believes that everyone deserves to feel safe and secure in their communities and their families.

Marios Bourtzonis, Student at Trinity College

Supports the bill because it will help immigrant communities to live unafraid and enjoy their lives without the fear of police collaborating with ICE.

Christine Halfar, Danbury, CT

Ms. Halfar suggests that Connecticut State law must follow the U.S. Constitution's due process and require a judicial warrant to detain any state resident.

Reverend Gini King, First Congregational Church, United Church of Christ, Guilford, CT

Supports the bill because it will ensure that state and local officials do not turn people over to ICE unless there is a judicial warrant, restricts personal information from being turned over to ICE and limits ICE's access to people in custody.

Edna Ornelas-Ubaldo, Bridgeport, CT

In 2015, Ms. Ubaldo's father was detained by ICE after reporting for a routine probation check-in. He was allowed to call his family 6 hours after being detained which obstructed his family from contacting legal representation for him right away. As a result of his absence, her sibling began to act out and her mother had to take on the responsibility of working full-time and taking care of the household. Ms. Ubaldo has had to learn to balance her academic load, two jobs and providing support for her mother and sisters. She now lacks trust in law enforcement and has had to deal with the effects of not having her father in her life anymore.

Veronica Ubaldo, Bridgeport, CT

In June of 2015, Mrs. Ubaldo's husband and father of four girls, was detained by ICE in the office of his probation officer. Due to her husband being transferred to multiple detention centers in a short period of time and then deported back to Mexico, there was little Mrs. Ubaldo could do to help her husband. She believes that people should not be punished by permanent separation from their families for making a mistake, especially after they have paid their debt to society. She supports the bill because it's important for loved ones to not fear going to court or probation and then being deported when they arrive.

Connecticut Working Families Party, Carlos Moreno, State Director

Supports SB 992 because it ensures that judicial marshals and other law enforcement officials honor civil immigration detainers only when accompanied by a judicial warrant. Mr. Moreno references a report released by the Connecticut Immigrant Rights Alliance (CIRA). The report found the state's judicial marshals are aggressively enforcing civil immigration detainers, holding immigrants in detention beyond the statutory threshold allowed under the 2013 Connecticut Trust Act and may be in possible violation of said act. Mr. Moreno continued to note that the report shows that a small group of judicial marshals are responsible for the majority of detainment in the state (between 2014-2018, eleven JM's completed 152 *JD-MS-45* forms, four JM's completed more than 10 forms each and two JM's completed 42 and 38 forms, respectively).

Megan E. Corning, Hartford, CT

Megan is a former member of AmeriCorps and has experience tutoring individuals who use English as a second language. Through her experience, she has seen the inequitable barriers people in the immigrant community face when attempting to lead healthy lives. She is supporting SB 992 because no one should have to live in fear of losing their family due to deportation when going to seek medical attention or legal assistance if they are the victim of a crime.

Jennifer Farr-Williams, Hartford, CT

Ms. Williams has lived in Hartford for the past ten years and enjoys the diversity and opportunities that allow people to better themselves. She supports SB 992 because people in

the community should be able to trust that law enforcement officers have their best interest and can feel safe in the community. She says that just because someone is an immigrant doesn't mean that they are a criminal.

Diane Szymaszek, Meriden, CT

Ms. Szymaszek believes that all people in the State of Connecticut, deserve to remain in their communities and together with their families, regardless of immigration status or any aspect of identity.

Veena Muraleetharan, New Haven, CT

Due to the vital programs offered by the State of Connecticut, Ms. Muraleetharan believes that it is important that people do not experience unnecessary barriers when accessing these programs. As a public health student, she has come to understand the importance of reducing barriers to care and says that SB 992 would allow people feel comfortable when seeking help.

Miguel Castro, Meriden City Councilor

Mr. Castro supports SB 992 because it would stop our judicial system from being a back channel to discriminate against immigrants.

Angela Bellas, Ph.D. candidate at the University of Connecticut School of Social Work

Supports the bill, highlighting that in 2014, undocumented immigrants living in Connecticut paid an estimated \$124.7 million in state and local taxes, while one in four are business owners (American Immigration Council, 2017). She says that all people in Connecticut, regardless of immigration status, should feel safe when reporting a crime, providing testimony, entering a courthouse or otherwise interacting with the state's justice system.

Gerardo Roblero, New Haven, CT

Mr. Roblero's father was detained by ICE in after driving under the influence (DWI). His father was the sole provider for the household and when he was detained, rent went unpaid and there was very little food in the house. After believing that his father would be returning back to the family after his hearing, they were informed that ICE was coming to take his father away. To date, his father is still missing and no one seems to have any information about his whereabouts. Gerado supports SB 992 because he doesn't want another family to experience what he and his family have had to experience.

Camille Giraldo Kritzman, Hartford, CT

Much of Ms. Kritzman's family is from Columbia and she currently works with Connecticut Students For A Dream. She says that it is time to break the cycle of fear, dehumanization and mistrust in our state. She is supporting SB 992 because she would like to see her tax dollars used to improve the quality of life for Connecticut residents, not to destroy families through needless deportations.

JoAnne Bauer, Ph.D., Hartford, CT

Supports SB 992 because it would break the prison to deportation pipeline by making Connecticut a just and safe environment for all immigrant communities.

ACLU People Power-New Britain, Marianne Hebenstreit, Facilitator

In her role, Ms. Hebenstreit believes in helping the immigrant community in any way she can. She is supporting SB 992 because she believes that immigrants are an integral part of this state and they deserve care, love and inclusion in Connecticut's justice system.

Uniting For A Safe Inclusive Community, Laurel LaPorte-Grimes, Ph.D., Founder

Supports SB 992 because she believes that it would recognize the humanity and right to due process of all members in the community.

Melinda Tuhus, Hamden, CT

Ms. Tuhus supports SB 992 because she believes that it is unjust to punish people who are complying with the requirements of the law. She says with what is occurring under our current administration, Connecticut should step up and provide more protection for those in immigrant communities.

Carl Pueblo, Hamden, CT

Mr. Pueblo knows of someone who is currently seeking sanctuary in his church. Mr. Pueblo supports SB 992 because the individual he knows is currently confined to the church so that he is not picked up by ICE officials.

Reverend Josh Pawelek, Unitarian Universalist Society: East, Minister

Reverend Pawelek supports SB 992 because he cares about the quality of life, health and well-being of Connecticut's immigrant communities. Furthermore, he says that the bill would clarify and reduce the circumstances under which immigrants living in the state can be deported.

Holly McGrath, Simsbury, CT

Mrs. McGrath and her husband are both educators and have observed how children facing insecurity, struggle and suffer psychological trauma. She asserts that fear is pervasive and insidious, thus preventing community members from participating in normal activities like school activities or playing outside. Mrs. McGrath sees SB 992 eliminating some of the preventable insecurities that these families face.

Cristhian Cozayatal, New Haven, CT

Individual was in a car accident back in 2017 where there was minor damage done to the other vehicle. When state police arrived, they asked to see the individual's identification documents and they did not have any. According to the individual, after a few minutes ICE agents arrived and placed them in a van, processed them in Hartford and then transferred them to the Franklin County Detention Center in Massachusetts. After receiving assistance from the community, the individual was released but is currently still fighting their case in immigration court. The individual supports SB 992 because they believe that the original Trust Act is not enough to protect the immigrant community.

Susan Miller, Windsor, CT

Ms. Miller has seen a family in her community separated by ICE. She says she supports SB 992 because state and local entities should not be flipped to operate against the people they have been established to serve.

Eric Klotz, Portland, CT

During his testimony before the committee, Mr. Klotz mentioned that he heard it said that people who are not citizens should not be protected under the U.S. Constitution. He argues that if the Constitution is the framework for law and governing, that it's inherent rights should be extended to everyone. He supports SB992 because he believes that it will create a safer and healthier Connecticut.

Diane DeJoannis, Manchester, CT

Ms. DeJoannis has undocumented friends who would feel safer when going out to complete daily and necessary errands. She says that supporting SB 992 is a matter of human rights and there is a need to help one another without fear of retribution.

Maureen Lopes, Madison, CT

Prior to her retirement, Ms. Lopes worked with several healthcare agencies and it concerns her that families, especially children, are not seeking healthcare because of their immigration status. She supports SB 992 because detaining members of the immigrant community does not increase her safety and taking people away from their families should not be supported by local law enforcement officials.

Debra Cohen, Wethersfield, CT

Ms. Cohen has recently learned that her town's law enforcement agency is sharing license plate information with ICE and it upsets her. She says that it is not the job of local enforcement agencies to do the work of ICE nor is it their responsibility to detain or report people when no warrant has been provided by ICE. Ms. Cohen says that she supports SB 992 because the Trust Act as it stands now, is nothing more than a suggestion rather than standard practice.

Karell Rose, South Windsor, CT

Ms. Rose says that many of the people being targeted by ICE are only seeking to build a better life for themselves and their families. She supports SB 992 because it protects some of the most vulnerable people in the community.

Lynn Taborsak, Danbury, CT

Ms. Taborsak supports SB 992 because she believes that a judicial warrant should be required to detain any state resident.

Charlotte Nelson, MPA student at UConn

Ms. Nelson is a former teacher and current Nutmeg Big Brother Big Sister. She says that the current treatment of Connecticut's families by ICE has been destructive to the fabric of the families and communities impacted. She fears that children will suffer traumatic stress and irreversible mental, emotional and physical damage if ICE is allowed to continue operating in this way. Ms. Nelson supports SB 992 because she sees a direct correlation between the Trust Act and mass incarceration, where people of color are disproportionately affected.

Rachel Schmidt, New Haven, CT

Supports SB 992 because she believes that it would make communities safer, keep families intact and see to it that all are treated fairly. Ms. Schmidt stated that by passing this bill, the state is upholding the fourth amendment, whereas not doing so violates our protection, thus

violating our rights. She does not believe that law enforcement officials should be permitted to assist ICE to detain, separate and abuse detainees.

NATURE AND SOURCES OF OPPOSITION:

State Senator Rob Sampson

Senator Sampson states that the bill would cause loss of life by turning an already dangerous policy into something far worse. He cites findings from the Federation for American Immigration Reform (FAIR), arguing the potential harm of passing SB 992. Instead of supporting this bill, Senator Sampson asks the committee to consider SB 993 which would repeal the Trust Act altogether, allowing state officials to fully cooperate with federal officials in the enforcement of federal immigration law.

Dr. Michael A. Simeone, OD, Pawcatuck, CT

States that by implementing SB 992, the state will see an increase in cost for law enforcement, crime victims and emergency services. Dr. Simeone believes that immigrants should be handed over to federal officials immediately.

Gloria Bass, Georgetown, CT

Says the state should do more to protect American citizens.

Sari Weatherwax, Wilton, CT

Asks the committee to absolutely vote no on SB 992

Beverly Sutherland, Wilton, CT

Does not support SB 992 because she believes that it would tie the hands of the state's law enforcement officials and would cause an increase in crime.

Alan Jolley, (no town/city indicated)

Does not support the expansion of the existing Trust Act. Asks the committee to support SB 993 instead.

Marissa Lowthert, Wilton, CT

Believes that if passed, SB 992 will decrease safety.

Denise Luccarelli, New Canaan, CT

Opposes the bill because she doesn't want the five exemptions under the existing Trust Act to be eliminated.

Marianne Gustafson, Wilton, CT

Opposes the bill because she doesn't want the five exemptions under the existing Trust Act to be eliminated.

Carolyn Cavaliere, Cromwell, CT

Ms. Cavaliere says that there is a need for laws to be put into place to protect people, not to encourage or overlook suspicious and dangerous activity. She says that SB 992 would encourage illegal activity.

Eleanor Sasso, Wilton, CT

Opposes SB 992 and suggests that it would make Connecticut even more of a sanctuary state than California, and places the interest of the immigrant community ahead of those who are already U.S. citizens.

Reported by: Omena McCoy

Date: 4/5/2019